

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
MARCH 13, 2014
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Mayor Steven Burg called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	STEVEN BURG	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	PATRICIA FRANTZ	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	DEBORAH A. NORKAVAGE	PRESENT

Town Solicitor, Edward McNally – Present

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Present

APPROVAL OF MINUTES:

Minutes of the February 20, 2014 Council Meeting

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the February 20, 2014 Council Minutes with 1 correction on Page 1, under public comment, Mr. Dean Bunge is listed as living in Elsmere DE, - it should be listed as Wilmington, DE (Unincorporated New Castle County). The motion was seconded by Councilman Jaremchuk.

VOTE: 7-0 All-in-favor Motion carried

PUBLIC COMMENT:

None

Town Manager John Giles introduced Melissa Faedtke as the new Secretary in the Administration Department.

OLD BUSINESS:

Consideration for Third and Final Reading of Ordinance 575.

ACTION: A motion was made by Councilman Jaremchuk to consider Ordinance 575 for Third and Final Reading. The motion was seconded by Councilwoman Norkavage.

VOTE: 7-0 All-in-favor Motion carried

NEW BUSINESS:

Consideration for First and Second Reading of Ordinance 576.

ACTION: A motion was made by Councilwoman Norkavage to consider Ordinance 576 for First and Second Reading. The motion was seconded by Mayor Burg.

Councilwoman Norkavage explained that this ordinance would assist the residents of the Town who already qualify for the Senior/Disabled Tax Exemption by allowing them to possibly qualify for an additional Base Tax Credit. This would be based on their income and no person who makes more than \$38,000.00 per year would qualify for this credit. She further stated that the initial estimate of the fiscal impact being \$40,000.00 to the Town was vastly over estimated at the Time. After the ordinance was drafted the staff had time to come up with a more solid prediction where 94 of the current recipients only qualify for \$10,000.00 worth of credits and if you assume that the remaining 78 residents who already qualify for the original discount will receive the total amount the most it could cost the Town is in the area of \$26,000.00. However, it is more likely to be closer to \$20,000.00 because it is unlikely that they will all qualify for the maximum new credit.

Town Manager John Giles further explained that of the 94 residents whose income information we do have on file, 22 of those residents would qualify for the maximum credit, 50 would qualify for the partial credit and 22 would not qualify for the credit at all. He stated that he would expect the remaining 78 to fall close to those same ratios when their paperwork is resubmitted.

Councilman Jaremchuk asked if the ordinance would be brought up for third and final reading in April with a different fiscal impact and why it can't be known what the exact impact would be if the applications are due by April 15th.

Town Manager John Giles explained that the applications/confirmations which are due on April 15th are for the Senior/Disabled Discount and if they have had the discount in previous years, they are only required to submit a confirmation not a new application. He further stated that there is no way to get the exact number of the fiscal impact prior to the ordinance being enacted because those 78 people are only required to submit a new application if the ordinance passes not for the existing discount.

VOTE: 6-1 Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – No, 4th District – Yes,
5th District – Yes, 6th District – Yes, Mayor – Yes

Consideration for First and Second Reading of Ordinance 577.

ACTION: A motion was made by Mayor Burg to consider Ordinance 577 for First and Second Reading. The motion was seconded by Councilwoman Norkavage.

Town Manager John Giles stated that this is more of a housekeeping ordinance than anything else because we have two portions of the code that contradict each other regarding snow removal on sidewalks in front of one's property. This clarifies the property owner's responsibilities regarding snow removal.

VOTE: 7-0 All-in-favor Motion carried

Consideration of the reappointment of Mr. Jerry Lindell to the Town's Planning Commission.

ACTION: A motion was made by Mayor Burg to reappoint Mr. Jerry Lindell to fill his own unexpired term on the Town's Planning Commission. The motion was seconded by Councilman McKewen.

Councilman Jaremchuk asked if Mr. Lindell's original resignation is effective when approved by the Town Manager or the Mayor and Council.

Town Manager John Giles stated that in this particular case it would not have mattered because you cannot serve on the Planning Commission and be an employee of the Town, therefore his resignation was effective regardless of approval on his first day of employment.

VOTE: 7-0 All-in-favor Motion carried

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the written report.

Councilman Kacperski asked why his district has 10 citations this month when other districts have none.

Town Manager John Giles stated that he does not know what the citations are for but that he can find out and get back to Councilman Kacperski.

Finance

Town Manager John Giles presented the written report.

Councilman Kacperski asked why the large spike in transfer tax and if there were more properties sold or a few large properties.

Finance Director Joseph Schulcz stated that there were more properties than normal on the transfer tax report.

Councilwoman Frantz asked for the Finance Director to explain to the other members of council what GASB is.

Finance Director Joseph Schulcz stated that it is the Government Accounting Standards Board who requires certain reports to be filed annually.

Public Safety

Chief Laura Giles presented the written report. She stated that they have received \$10,471.05 in VAC Fines for the month of March, year to date \$127,766.20. She stated that they have also received their equitable share from Officer Mitchell's drug seizure of \$24,328.63.

Mayor Burg asked if that money would go the Public Works Department to replace the money which was transferred for the two new officers.

Chief Laura Giles stated that it cannot reimburse items it must go toward Police Expenses after it is received.

Councilwoman Norkavage asked what the status of the traffic study at Vilone Road and Marvillo Road and if the Chief intended to make a recommendation regarding that study.

Public Works

Town Manager John Giles presented the written report. He stated that he does plan to re-advertise for the Part Time Public Works Supervisor. He stated that they will not be replacing the plow that is broken because it is almost as expensive as replacing it. Also, the Town has spent more than \$30,000.00 on snow remove this winter which is not budgeted.

Councilwoman Personti asked if there needs to be a discussion about the fact that there is a supervisor who comes in to supervise long time employees who have been passed up for those positions.

Town Manager John Giles stated that he has spoken with the employees of that department as well as the candidate for the position regarding those dynamics and those did manifest, but that the person who fills this positions needs to be someone who is not afraid to yell at the employees within that department because there are some employees who do not respond to "nice" demeanor and will walk all over someone who has that.

Mayor Burg asked that the Town Manager purchase lunch for the employees who have been giving their all throughout the winter and plowing a number of times.

Councilman Kacperski asked if the Town would be sending crews out prior to the cleanup day to try to get metal items to scrap.

Town Manager John Giles stated he would talk with the Department and see how they could accomplish doing that.

Town Manager

Town Manager John Giles presented the written report. He stated again that he will be re-advertising the Public Works Position. The RFP for the repair of the Police Department Stairs is due back on March 21, 2014 at noon and he stated that he did not realize that the two council meetings were so close together during the last meeting when he told council that the results would be at this meeting. The employees will be delivering fliers door-to-door the next day advertising the shredding event at the Town Hall on the March 22nd. He stated that the employees would be permitted to leave for the day once the fliers were delivered. Two of the Public Works employees will be spending most of the week from March 18th through March 21st in Milford to become Playground Safety Inspectors and they have signed training agreements for that course. He stated that the Town has collected around \$52,000.00 in uncollected fines as a result of the special tax lien ordinance and that there are only around \$7,000.00 left in uncollected fines. He stated that he will no longer be doing special reports on that income. He stated that he will be out of Town from March 30th thru April 2nd in Florida and he is not leaving any employee in charge, he will be calling in during his vacation. He stated that they have begun the process to renew the line of credit with M & T Bank and that the Town did not use the line during the previous year and has no intention of needing to use it during the next year. He asked the Council to issue tributes to the Man and Woman of the Year for

the Fire House Banquet, however, he does not know the names of the two honorees, he would like to have the Mayor and Council authorize the issuance of those tributes and have them drafted once they are announced and signed by the Mayor and Secretary of Council before March 22nd.

ACTION: A motion was made by Councilman Jaremchuk to authorize tributes to the Man and Woman of the Year for the Elsmere Fire Company. The motion was seconded by Mayor Burg.

VOTE: 7-0 All-in-favor Motion carried

Councilman Kacperski asked the status of the Recreation Center and their bills.

Town Manager John Giles stated that he had reported the previous month that they were not delinquent and he has subsequently found out that they are now delinquent. It was an issue within the Finance Department which has been corrected where invoices were automatically issued for 30 days when the rent is due on the 5th of the month and they were not getting paid until the end of the month. They are now delinquent for the month of March 2014; however, they are purchasing items for the Easter Egg Hunt and have been meeting with the Administration Department for the planning of that event. He stated that he has heard rumors but they are paying their bills and that he has not yet seen an issue.

Councilman Kacperski asked if the Council should allocate additional money into the Legal line item.

Town Manager John Giles stated that Council is certainly able to do that, however, it is his intention to come to Council near the end of the fiscal year to request any line item transfers all at once when we know where there are savings and that as long as he does not exceed the overall budget. He asked if Council had any opposition to that plan.

There was a consensus among Council to continue spending and to re-allocate money from line items to covers costs closer to the end of the year.

PUBLIC COMMENT:

None

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

District 1 – Councilman Jaremchuk announced that he would not be at the April or May meeting because he would be out of the country and that he would like to set a date for the budget hearing before he leaves.

ACTION: A motion was made by Councilman Jaremchuk to hold the budget hearing on Saturday, June 7, 2014. The motion was seconded by Councilwoman Frantz.

VOTE: 7-0 All-in-favor Motion carried

There was a discussion and consensus to begin the meeting at 8:00am.

District 2 – Councilwoman Frantz asked if she could be reminded how long the RT 2/South Union Street project was.

Town Manager John Giles stated that it is a one year long project.

District 3 – Councilman Kacperski stated that he was asked by the CAL to announce that their opening day is on Saturday, April 12, 2014, with the main event being at Fairgrounds and a much smaller ceremony at Vilone Park later in the day. He stated that formal invitations will be sent by the league.

District 4 – None

District 5 – Councilwoman Personti announced that her Annual 5th District Meeting will be on Wednesday, March 26, 2014 at Town Hall.

District 6 – Councilwoman Norkavage asked if the Town Manager had any updates on the research done in regards to Swimming Pool Regulations.

Councilwoman Personti stated that the discussion was originally based on regulations for the pop-up pools that don't fit the "permanent" definitions and not required to meet the codes.

Town Manager John Giles stated that the Code Enforcement Office was able to obtain an International Swimming Pool Code from the same company that we adopt our other codes which addresses all of those issues and that he intends to draft an ordinance which adopts that code with any changes added by the Council.

Councilwoman Norkavage asked if she and Councilwoman Personti could get a copy of that book prior to the ordinance being drafted so that they can make any recommendations.

Town Manager John Giles stated that the Chief has applied for the Prescription Drug Drop Off to hold in coordination with the Clean-up day on April 26, 2014.

Mayor – Mayor Burg stated that he has received word that the Town should receive ownership from New Castle County for Vilone Park in June 2014. He also stated that he has spoken with the director of the Summer Youth Program and that the Town should receive 4 youth this summer and that they were supposedly unaware that the Town did not receive anyone from the program last year because they ran through the State last year.

Town Manager John Giles asked Administrative Assistant Diana Reed to explain.

Administrative Assistant Diana Reed stated that last year the program was 10% funded by New Castle County and 90% funded by the Department of Labor. New Castle County gave the choice of who gets hired to the Department of Labor. Supposedly after the hiring was complete there were no candidates in our area who fit our criteria of over 18 years old. She stated that the Town's assigned representative for that program at New Castle County was aware that the Town had no youth from the program that year.

ADJOURNMENT:

ACTION: A motion was made by Councilwoman Norkavage to adjourn. The motion was seconded by Councilwoman Frantz.

VOTE: 7-0 All-in-Favor Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years

from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

STEVEN E. BURG
MAYOR

JOANN I. PERSONTI
SECRETARY

UNAPPROVED